IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.MC.No. 4087 of 2006()

CC.2/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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PETITIONER/ACCUSED:

U.HARIHARAN, SON OF AYYAPPU,
AGED 43, UNNIVEETTIL HOUSE,
PACHATTIRI AMSOM, PACHATTIRI DESOM,
PACHARTIRI P.O., TIRUR

BY ADV. SRI.A.BALAGOPALAN
SRI.A.RAJAGOPALAN

RESPONDENTS/COMPLAINANT & STATE:

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1. P.SREENIVASAN, SON OF K.P.RAMAN,
PACHATTIRI AMSOM, PACHATTIRI DESOM,
VETTOM VILLAGE, TIRUR TALUK, PACHATTIRI.P.O.
TIRUR.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4087 of 2006

Dated this the 20th day of December 2006

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The petitioner was released on bail. The trial was over and after the date posted for pronouncement of judgment, the petitioner has not appeared before the learned Magistrate. Non-bailable warrant issued by the learned Magistrate is chasing the petitioner. The petitioner, in these circumstances, has rushed to this court with this petition.

2. What is his prayer? He prays that the learned Magistrate may be directed to release the petitioner on bail when he appears and applies for bail. The petitioner apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously by the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and

expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned counsel for the rival contestants, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006